

UNITED STATES DISTRICT COURT
FOR DISTRICT OF NEW JERSEY

_____	:	
ABDIEL F. AVILA,	:	
	:	
Petitioner,	:	Civil Action No.
	:	12-6369 (NLH)
v.	:	
	:	
STATE OF NEW JERSEY et al.,	:	
	:	
Respondents.	:	<u>ORDER</u>
_____	:	

This matter comes before the Court upon Petitioner's motion seeking default judgment, see Docket Entry No. 11; Petitioner's motion seeking relief from this Court's prior order (which informed Petitioner of his rights under Mason v. Meyers, 208 F.3d 414 (3d Cir. 2000), and directing Petitioner's filing of an amended pleading in light of the deficiencies of Petitioner's original Petition under Habeas Rule 2(d)), see Docket Entry No. 14; Petitioner's motion asserting "no formal opposition" on the part of Respondents, see Docket Entry No. 15; and Petitioner's letter effectively reiterating the same. See Docket Entry No. 17.

IT IS on this 22nd day of January, 2013,

ORDERED that the Clerk shall reopen this matter by making a new and separate entry on the docket, reading "CIVIL CASE REOPENED"; and it is further

ORDERED that Petitioner's motion for default judgment, Docket Entry No. 11, be, and the same hereby is, DENIED since

Respondents were neither served nor ordered served and, thus, could not have defaulted; and it is further

ORDERED that Petitioner's motion, Docket Entry No. 14, seeking relief from this Court's prior order be, and the same hereby is, DENIED, since the Court was obligated to inform Petitioner about his Mason rights, and since Petitioner's original Petition was defective under Habeas Rule 2(d) for the reasons extensively detailed in the Court's prior order and notice docketed as Docket Entry No. 9; and it is further

ORDERED that Petitioner's motion, Docket Entry No. 15, asserting "no formal opposition" on the part of Respondents as well as Petitioner's latest application, Docket Entry No. 17, be, and the same hereby are, DENIED for the same reason warranting denial of Petitioner's motion for default judgment, Docket Entry No. 11; and it is further

ORDERED that Petitioner shall file his amended petition complying with the requirements of Habeas Rule 2(d) within forty-five (45) days from the date of entry of this Order; and it is further

ORDERED that the Clerk shall administratively terminate this matter, subject to reopening upon timely receipt of Petitioner's amended petition complying with the requirements of Habeas Rule 2(d), by making a new and separate entry on the docket reading "CIVIL CASE ADMINISTRATIVELY TERMINATED"; and it is further

ORDERED that the Clerk shall serve this Order upon Petitioner by regular U.S. mail and include in the said mailing a copy of this Court's prior order and notice, docketed as Docket Entry No. 9; and it is finally

ORDERED that the Clerk shall serve a complimentary copy of this Order upon Respondents by means of electronic delivery, stating in the "subject" line of such electronic transmission, "COMPLIMENTARY COPY OF THE COURT'S ORDER," and stating in the body of such electronic transmission, "NO ACTION BY RESPONDENTS IS REQUIRED AT THIS JUNCTURE."

s/ Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

At Camden, New Jersey